

MISCELLANEOUS DOCUMENTS*Basic Legal Documents***THE CODE OF ETHICS FOR INTERPRETERS AND TRANSLATORS EMPLOYED BY THE INTERNATIONAL
CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA****(IT/144)****DECISION****THE REGISTRAR**

CONSIDERING Rule 76 of the Rules of Procedure and Evidence ("the Rules") which confers on the Registrar the responsibility for ensuring that interpreters and translators perform their duties faithfully, independently, impartially and with full respect for the duty of confidentiality;

CONSIDERING that being subject to a Code of Ethics is an integral attribute of being an interpreter and translator employed in a judicial environment;

CONSIDERING that interpreters and translators employed by the International Tribunal are hired under different terms and conditions and, as part of their functions, undertake various tasks within the three constituent parts of the International Tribunal;

CONSIDERING that a draft Code of Ethics, prepared by the Registrar, has been circulated to the Judges and Prosecutor of the International Tribunal and that they have voiced no objections to its promulgation;

TAKING NOTE of the comments of the Judges and the Prosecutor on the said draft;

PURSUANT TO Rule 76 of the Rules;

HEREBY PROMULGATES the Code of Ethics for Interpreters and Translators Employed by the International Criminal Tribunal for the former Yugoslavia, attached as Annex 1;

DONE in English and French, the English text being authoritative.

Dorothee de Sampayo Garrido-Nijgh
Registrar

Dated this fifth day of March 1999
At The Hague
The Netherlands

ANNEX 1**THE CODE OF ETHICS OF INTERPRETERS AND TRANSLATORS EMPLOYED BY THE INTERNATIONAL CRIMINAL
TRIBUNAL FOR THE FORMER YUGOSLAVIA****PREAMBLE**

This Code is promulgated in the belief that:

1. As employees of the Tribunal, interpreters and translators shall maintain high standards of professional conduct;
2. The functions performed by interpreters and translators require them to act faithfully, independently, impartially and with full respect for the duty of confidentiality.
3. Since the duties and responsibilities that they have towards the Tribunal continue after the expiration or termination of their employment, interpreters and translators may be held accountable for any breach thereto, including, but not limited to, referral to their respective national or international professional association. It is therefore necessary that such persons be aware of these duties and responsibilities.

To these ends, this Code and its Articles of conduct have been formulated.

PRELIMINARY**Article 1
Definitions**

1. In this Code, unless a different interpretation is required by the provisions of the Code or the context in which they appear, the following terms shall mean:

"CLSS" the Conference and Language Services Section of the Tribunal.

"Interpreters" persons employed by the Tribunal under:

- (a) a fixed-term contract who interpret in simultaneous mode the proceedings held in the Tribunal's courtrooms;
- (b) a short-term contract or a Special Services Agreement during field-assignments outside the Tribunal headquarters in The Hague or outside the Tribunal courtrooms;
- (c) a short-term contract who reinforce the Tribunal's interpretation teams and interpret in simultaneous mode the proceedings held in the Tribunal's courtrooms.

"Translators" persons employed by the Tribunal under:

- (a) a fixed-term contract who translate in writing the documents referred to CLSS;
- (b) a short-term contract who translate in writing, at home, documents meant to be used by the Tribunal.

"Tribunal" the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established by Security Council Resolution 827 of 25 May 1993.

2. This Code must be read and applied so as to most effectively attain the objectives and uphold the values expressed in the Preamble.

3. General provisions of this Code should not be read or applied in a restrictive way by reason of any particular or illustrative provision.

4. The singular includes the plural and vice versa.

Article 2 Entry into Force

This Code shall enter into force on the twenty-sixth day of February 1999.

Article 3 General Purpose and Application

1. The general purpose of this Code is to provide for standards of conduct on the part of interpreters and translators that all persons employed by the Tribunal in such a capacity are bound to respect.

2. This code applies to interpreters and translators as defined in Article 1(1) of this Code.

3. In addition to this Code, as staff members of the Tribunal, interpreters and translators shall be bound by the provisions of the United Nations Staff Rules and Regulations, and the administration instructions thereto.

PROFESSIONAL CONDUCT

Article 4 Standards of conduct

1. Interpreters and translators shall behave in a courteous, polite and dignified manner at all times.

2. Interpreters shall at all times maintain a professional attitude in dealings with Judges, court officers, witnesses, lawyers and other persons inside the courtroom. Interpreters should strive for professional detachment at all times.

Article 5 Professional Integrity and Dignity

1. Interpreters and translators shall not allow any personal or other interest to interfere with the discharge of their duties.

2. Interpreters and translators shall not, in the performance of their duties, solicit or accept any gratuities or other consideration, benefit or advantage of any kind.

3. Interpreters and translators shall not exercise power or influence over their listeners or readers.

4. Interpreters and translators shall maintain their integrity and independence at all times.

Article 6 Reliability

1. Interpreters and translators shall adhere to appointment times and deadlines, or otherwise advise their supervisor accordingly so that the necessary action may be taken.

2. Interpreters, when working in the courtrooms, shall inform the Judges of any doubt arising from a possible lexical lacuna in the source or target language.

GENERAL OBLIGATIONS OF INTERPRETERS AND TRANSLATORS TOWARDS THE TRIBUNAL

Article 7 Confidentiality

1. *General Obligations*

(a) Interpreters and translators shall exercise the utmost discretion in all matters relating to their functions and should not communicate at any time to the media or to any institution, person, governmental or non-governmental organisation or other authority external to the Tribunal any information that has not been made public and which has become known to them in the course of their duties.

(b) Interpreters and translators shall not communicate any information that has been entrusted to them in confidence, that has become known to them by reason of their functions, or that they otherwise know to be confidential to any person within the Tribunal other than to those persons who need to have such information for the performance of their duties or with the authorisation of their supervisor.

(c) Translated documents remain the property of the Tribunal at all times and shall not be shown or released by interpreters or translators to third persons without the express permission of their supervisor or by order of the Tribunal.

(d) Interpreters and translators shall not discuss the facts of any case pending before the Tribunal, except as regards matters of a professional nature within the CLSS.

(e) Interpreters and translators shall not derive any personal profit or advantage from any confidential information that they may have acquired during the performance of their duties.

2. *Information Sharing*

Where team work is required, and with their supervisor's permission, it may be necessary for interpreters or translators to brief other interpreters or translators from the team involved in the assignment. In such circumstances, the ethical obligation for confidentiality extends to all members of the team.

3. *Lawyer-Client Privilege*

Information gained by interpreters and translators from consultations or communications between suspects or accused and their legal representatives is protected under the rule of legal professional privilege, and must not be disclosed to any other person without the express consent of the suspect or accused concerned and his or her counsel.

4. *Continuation of Obligations*

The duty of professional secrecy continues after the expiration or termination of the interpreter's or translator's employment with the Tribunal.

Article 8 Impartiality

1. Interpreters and translators are bound to the strictest impartiality in the discharge of their duties.

2. Interpreters and translators shall not give legal advice to any person, whether solicited or not, nor refer suspects or accused to specific defence counsel.

3. Interpreters and translators shall frankly disclose to their supervisor any actual or apparent conflict of interest that may arise during the performance of their duties.

PROFICIENCY

Article 9 Competence

1. *Level of Expertise*

(a) Interpreters and translators shall only accept assignments that they are competent to perform.

(b) During the course of an assignment, if it becomes apparent to interpreters and translators that expertise beyond their technical or language competence is required, they shall offer to withdraw from the assignment.

(c) It is the responsibility of interpreters and translators to ensure that the conditions under which they operate facilitate communication. In the event that an external element – including technical hindrances such as poor quality sound and illegible photocopies – interferes with the accuracy or the completeness of their interpretation or translation, they shall inform their listeners or readers promptly.

2. *Preparation*

Interpreters and translators shall ascertain beforehand what may be expected of them during impending assignments, and undertake the necessary preparations.

Article 10

Accuracy

1. Truth and completeness

- (a) Interpreters and translators shall convey with the greatest fidelity and accuracy, and with complete neutrality, the wording used by the persons they interpret or translate.
- (b) Interpreters shall convey the whole message, including vulgar or derogatory remarks, insults and any non-verbal clue, such as the tone of voice and emotions of the speaker, which might facilitate the understanding of their listeners.
- (c) Interpreters and translators shall not embellish, omit or edit anything from their assigned work.
- (d) If patent mistakes or untruths are spoken or written, interpreters and translators shall convey these accurately as presented.

2. Uncertainties in Transmission and Comprehension

- (a) Interpreters and translators shall acknowledge and rectify promptly any mistake in their interpretation or translation.
- (b) If anything is unclear, interpreters and translators shall ask for repetition, rephrasing or explanation.

3. Clear Transmission

Interpreters shall ensure, where practicable, that speech is clearly heard and understood by their audience.

DUTIES TOWARDS THE PROFESSION

Article 11 Professional Development

1. Upgrading

Interpreters and translators shall maintain and continually improve their interpreting and translating skills, and increase their knowledge of court proceedings and technical vocabulary that might be encountered during the performance of their duties.

2. Professional solidarity

- (a) It is incumbent on interpreters and translators to support and encourage the professional development of their colleagues.
- (b) Interpreters and translators should provide their colleagues, whenever possible, with any specialised knowledge they acquire which may be useful to the exercise of their duties.